

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Feb 16, 2021**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

RAMON TORRES HERNANDEZ  
and FAMILIAS UNIDAS POR LA  
JUSTICIA, AFL-CIO, a labor  
organization,

Plaintiffs,

v.

AL STEWART, in his official capacity  
as Acting United States Secretary of  
Labor, and UNITED STATES  
DEPARTMENT OF LABOR,

Defendants.

No. 1:20-cv-03241-SMJ

**ORDER GRANTING MOTION TO  
FILE AMICUS BRIEF**

Before the Court, without oral argument, is the Expedited Motion for Leave to File Amicus Curiae Brief by the Attorney General of Washington, ECF No. 46. The Attorney General of the State of Washington (“the Attorney General”) is the legal adviser to the State of Washington. *See* Wash. Rev. Code § 43.10.030. The Court granted the Attorney General’s construed motion to expedite. ECF No. 50. No party responded.

The “privilege of being heard amicus rests in the discretion of the court” and parties wishing to participate as amicus must first seek leave to do so. *Cnty. Ass’n*

1 *for Restoration of Env't (CARE) v. DeRuyter Bros. Dairy*, 54 F. Supp. 2d 974, 975  
2 (E.D. Wash. 1999) (citing *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982),  
3 *abrogated on other grounds by Sandin v. Conner*, 515 U.S. 472 (1995)). Leave to  
4 participate as *amicus* should normally be allowed when, among other things, “the  
5 *amicus* has unique information or perspective that can help the court beyond the  
6 help that the lawyers for the parties are able to provide.” *Id.* (citing *Miller-Wohl Co.*  
7 *v. Comm’r of Labor & Indus.*, 694 F.2d 203, 204 (9th Cir. 1982)).

8 Having reviewed the record in this matter, the Court is fully informed and  
9 finds good cause to authorize a brief by the Attorney General. Though the Court  
10 finds the interests of Plaintiffs and Defendants are adequately represented by their  
11 respective counsel, *amicus* credibly represents that it offers a different perspective  
12 on the issues involved in this case. For that reason, this court will consider the  
13 Attorney General’s brief and exhibits, ECF Nos. 46-1, 46-2 & 46-3. The Attorney  
14 General shall not otherwise participate in this matter without first obtaining leave  
15 of the Court.

16 Accordingly, **IT IS HEREBY ORDERED:**

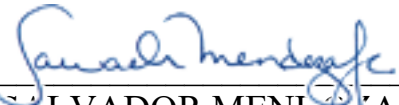
- 17 **1.** The Expedited Motion for Leave to File Amicus Curiae Brief by the  
18 Attorney General of Washington, **ECF No. 46**, is **GRANTED**.
- 19 **2.** This court will consider the Attorney General’s brief and exhibits, ECF  
20 Nos. 46-1, 46-2 & 46-3.

1           A.     The Attorney General need not refile these documents.

2           3.     The Attorney General shall not otherwise participate in this matter  
3                 without first obtaining leave of the Court.

4           **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and  
5     provide copies to all counsel.

6           **DATED** this 16<sup>th</sup> day of February 2021.

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                               SALVADOR MENDOZA, JR.  
                               United States District Judge  
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